

REMARKS

The present Response is to the Office Action mailed 12/16/2008. Claims 1-45 are presented for examination.

Claim Rejections - 35 USC § 101

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

More specifically, each of claims 1-15 is directed towards an "agent capability application". Software applications do not fall under one of the currently accepted statutory categories of invention. It is recommended that each claim be amended such that they are directed to a device, i.e. "a computer readable medium including an agent capability application executing on a computer platform", such that the claim is directed towards the device (the computer readable medium) rather than the application itself.

Applicant's response:

Applicant herein amends the claims as suggested by the Examiner. Applicant's independent claims 1, 16 and 31 now recite a computer readable medium including an agent capability application executing on a computer platform. Therefore, applicant believes the rejection should be withdrawn.

Claim Rejections - 35 USC § 103

4. Claims 1-8, 10, 16-23, 25, 31-38, and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Draginich et al. (U.S. Pat. 6560329) in view of Mears et al. (U.S. Pat. 7092509 B1).

With respect to claim 1, Draginich et al. discloses an agent capability application (See the abstract of Draginich et al. for reference to an automatic call distribution system containing and application to receive agent status and route calls to selected agents based on agent status). Draginich et al. also discloses monitoring target resources and rendering capability information to routing applications (See column 6 lines 59-64 and Figure 4 of

Draginich et al. for reference to monitoring agent status information and sending the status information, capability information, to a routing controller when an agent station changes state). Draginich et al. further discloses a first portion for collecting data regarding capability of the target agent resources (See column 4 lines 36-45, column 6 lines 59-64 and Figures 1 and 4 of Draginich et al. for reference to agent stations 11-14 sending status information to a routing controller 20 meaning that there is a first program portion to monitor for a change in agent station status, or collect capability data, and send this information to the routing controller 20). Draginich et al. also discloses a second portion for integrating the data and rendering the capability information to the routing application and using a portion of the integrated capability information for routing calls to the best destination (See column 4 lines 46-54 and Figure 1 of Draginich et al. for reference to analyzing, or integrating, the agent status data and rendering this analyzed data to be used in routing calls to a best selected agent). Although Draginich et al. discloses collecting and rendering capability data, Draginich et al. does not disclose that capability information includes application, program, and protocol capability data.

With respect to claim 16, Draginich et al. discloses an agent proxy system operable in at least one communication center (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to a routing controller 20, which performs the function of an agent proxy system, in an automated call distribution system 10). Draginich et al. also discloses agent resources enabling agents to process communication events (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to agent stations 11-14 each having an interactive communication unit). Draginich et al. further discloses one or more routing applications subscribing to the one or more of the agent proxy servers (See column 4 lines 36-54 and Figure 1 of Draginich et al. for reference to the routing controller 20 having an application to route calls based on call data and agent status data). Draginich et al. also discloses a communications network connecting the agent resources the applications and the one or more agent proxy servers (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to data links 24 that connect the agent stations 11-14 and the routing controller 20). Draginich et al. further discloses a capability application for monitoring capabilities of the agent resources for rendering capability

information to the subscribing routing applications (See the abstract, column 6 lines 59-64 and Figure 4 of Draginich et al. for reference to monitoring agent status information and sending the status information, capability information, to a routing controller when an agent station changes state). Draginich et al. also discloses a first portion for collecting information regarding capabilities of the target agent resources (See column 4 lines 36-45, column 6 lines 59-64 and Figures 1 and 4 of Draginich et al. for reference to agent stations 11-14 sending status information to a routing controller 20 meaning that there is a first program portion to monitor for a change in agent station status, or collect capability information, and send this information to the routing controller 20). Draginich et al. further discloses a second portion for integrating the information and rendering the capability information to the subscribing routing application (See column 4 lines 46-54 and Figure 1 of Draginich et al. for reference to analyzing, or integrating, the agent status data and rendering this analyzed data to be used in routing calls). Although Draginich et al. discloses monitoring and rendering capability data, Draginich et al. does not disclose that capability information includes application, program, and protocol capability data.

With respect to claim 31, Draginich et al. discloses a communication center system (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to an automated call distribution system 10). Draginich et al. also discloses a method for providing agent resource capabilities to subscribing routing applications (See column 4 lines 36-54, column 6 lines 59-64, and Figures 1 and 4 of Draginich et al. for reference to providing agent station status data to a routing controller that contains a program for routing calls). Draginich et al. further discloses monitoring capabilities of individual agent resources by a first portion of a resource capability application (See column 4 lines 36-45, column 6 lines 59-64 and Figures 1 and 4 of Draginich et al. for reference to agent stations 11-14 sending status information to a routing controller 20 meaning that there is a first program portion to monitor for a change in agent station status, or collect capability information, and send this information to the routing controller 20). Draginich et al. also discloses integrating data from the first program portion and rendering agent resource capabilities to the subscribing routing applications by a second portion of the agent resource capability application and routing calls to the best destination using a portion of

the integrated agent resource capabilities (See column 4 lines 46-54 and Figure 1 of Draginich et al. for reference to analyzing, or integrating, the agent status data and rendering this analyzed data to be used in routing calls to a best selected agent). Although Draginich et al. discloses monitoring and rendering capability data, Draginich et al. does not disclose that capability information includes application, program, and protocol capability data.

With respect to claims 1, 16, and 31, Mears et al., in the field of communications, discloses collecting and rendering application, program, and protocol capability data of target agents for use in routing applications (See column 14 line 36 to column 15 line 26 and Figure 8 of Mears et al. for reference to a collecting and rendering agent media skill assignment information corresponding to media types that an agent is capable of handle, i.e. email, voice, WBB, etc., which each inherently include the use of different applications, programs, and protocols). Collecting and rendering application, program, and protocol capability data of target agents for use in routing applications has the advantage of allowing customer sessions using different media types to be efficiently routed to agents, which have the capability to receive a session of the appropriate media type.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Mears et al., to combine collecting and rendering application, program, and protocol capability data of target agents for use in routing applications, as suggested by Mears et al., with the system and method of Draginich et al., with the motivation being to allow customer sessions using different media types to be efficiently routed to agents, which have the capability to receive a session of appropriate the media type.

With respect to claims 2, 17, and 32, Draginich et al. discloses that the target agent resources comprise one or more individual agent stations in at least one communication center with the agent stations equipped with one or more communication devices (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to the automated call distribution system 10, a call center, having several agent stations 11-14 with each station having an interactive communication unit).

With respect to claims 3, 18, and 33, Draginich et al. discloses that multiple copies or version of the first portion execute on platforms monitoring individual ones of the one or more communication devices (See column 4 lines 36-45, column 6 lines 59-64, and Figures 1 and 4 of Draginich et al. for reference to each agent station 11-14 individually sending status updates to the routing controller 20 using data link 24, meaning that each agent station 11-14 must have a first portion to collect the status data before it is sent to the routing controller). Draginich et al. also discloses providing data to at least one agent proxy server executing a copy of the second portion with the at least one agent proxy server dedicated to integrating the data for the one or more communication devices (See column 4 lines 36-54 and Figure 1 of Draginich et al. for reference to routing controller 20 acting as an agent proxy server by receiving the status data from agent stations 11-14 and analyzing, or integrating, the data for use in routing calls).

With respect to claims 4, 19, and 34, Draginich et al. discloses that the one or more platforms upon which the first portions execute are computers in the agent stations (See column 3 lines 48-60, column 4 line 55 to column 5 line 2, and Figure 1 of Draginich et al. for reference to each agent station 11-14 including a processor, or computer, P, that operates a data interface coupling routing controller 20 to the agent stations to send agent status data and for reference to the agent stations being computers).

With respect to claims 5, 20, and 35, Draginich et al. discloses that the one or more of the platforms upon which the first portions execute comprise individual ones of the one or more communication devices (See column 3 lines 48-60, column 4 line 55 to column 5 line 2, and Figure 1 of Draginich et al. for reference to the agent stations 11-14 being a computer with a processor, P, that provides the interface for sending the status data to the routing controller 20 using).

With respect to claims 6, 21, and 36, Draginich et al. discloses that the one or more of the platforms upon which the first portions execute comprise individual service proxy platforms also enabling services for one of the communication devices (See column 3 lines 48-60, column 4 line 55 to column 5 line 2, and Figure 1 of Draginich et al. for reference to the agent stations 11-14 being a computer with a processor, P, that

provides the interface for sending the status data to the routing controller 20 using meaning that first portions execute in the processor of the computer that also is used to enable services for the communications devices).

With respect to claims 7, 22, and 37, Draginich et al. discloses that the service proxy platform is a Voice-over-Internet Protocol proxy enabling a VoIP telephone (See column 4 line 55 to column 5 line 2 and Figure 1 of Draginich et al. for reference to the agent stations 11-14 being computers with IP telephony interfaces that enable a VoIP telephone).

With respect to claims 8, 23, and 38, Draginich et al. discloses that the service proxy platform is a call-control gateway platform (See column 4 line 55 to column 5 line 2 and Figure 1 of Draginich et al. for reference to the agent stations 11-14 being computers with IP telephony interfaces, which is a type of call-control gateway platform).

With respect to claims 10, 25, and 40, Draginich et al. discloses that the platforms, agent stations, and subscribing applications are all a part of a single communication center (See column 3 lines 48-60 and Figure 1 of Draginich et al. for reference to the agent stations 11-14 and the routing server 20 all being a part of a single communication center, automated call distribution system 10).

Applicant's Response

Applicant herein amends the independent claims to positively recite that the monitoring of agent resources is performed by periodically polling said agent resources, as disclosed in applicant's invention. Applicant believes said amendment will negate a broad interpretation of monitoring, as recited in applicant's claims. In applicant's invention, as disclosed on page 31, lines 16-24, the ability provided by the present invention to periodically poll each agent station for hardware and software capability allows for efficient and highly successful routing of all sorts of communication events, not just COST or IP telephone events. Moreover, in the case of upgrading, the ability to monitor which agents are upgraded and which are not, so communication events requiring upgraded agents can be properly routed, removes considerable pressure from those

responsible for upgrading projects, which now can be accomplished over a longer time period rather than in a rush.

Applicant argues that Draginich receives status indicators for agents that are pushed by the agents. The art of Mears clearly teaches that media skills of agents are stored in a table for routing purposes, and may be altered by an administrator access only (col. 15). Applicant's invention is a great improvement in the art because the software of the system actually polls agent resources which may include communication devices, or other agent resources, for application, program and protocol capability. Although an agent may be listed in a routing table as having a certain skill, as in Mears, if said agent is working at a workstation not capable of performing the media skill, misrouting will occur. There is no disclosure in Mears or Draginich that the actual agent resource utilized for performing the skill, i.e. communication device, is polled in order to render capability of application, protocol or program.

Response to Arguments

8. Applicant's arguments filed 9/16/08 have been fully considered but they are not persuasive.

First, it is noted that due to the new grounds of rejection under 35 U.S.C. 101, this Office Action is made non-final.

Regarding Applicant's argument that Draginich et al. fails to monitor, as claimed (See page 13-15 of Applicant's remarks filed 9/16/08), the Examiner respectfully disagrees. It appears the Applicant is interpreting the term "monitoring" to be narrower and more limiting than is commonly known to one of ordinary skill in the art. Draginich et al. discloses determining when an agent's status has changed and sending messages indicating the change in agent status when it is determined that an agent's status has changed (See column 4 lines 36-45 and column 6 lines 59-64 of Draginich et al.). Whether an agent's status has changed in response to a manual input by the agent, or by any other manner, this change is detected in order to initiate the sending of a message to the routing controller (See column 6 lines 59-64 of Draginich et al.). Thus, there must be

some sort of "monitoring" that waits for a change in status to be detected and then reports the detected status change in the system of Draginich et al. Thus, Draginich et al. does disclose monitoring target agent resources, as claimed. Applicant's argument that the method disclosed by Draginich et al. does not read on "true monitoring" by an application, is unclear, since it is unknown what exactly is meant by "true monitoring". If the Applicant wishes for a more limiting definition of the term "monitoring" to be claimed, it is recommended that the claims be amended such that the more limiting meaning "monitoring" is clearly and explicitly stated in the claim language.

Regarding Applicant's arguments that the agent media types and agent skill types of Mears et al. are different from the claimed capabilities of target agent resources (See pages 15-16 of Applicant's remarks filed 9/16/08), the Examiner respectfully disagrees. Although Applicant argues that "Claim 1 including its dependents clearly recites that agent resources and the applications, programs and protocols used or executed by the resources are not agent skills, but actual communication equipment at the agent's workstation", it is unclear what language from claim 1 refers to "actual communication equipment at the agent's workstation" as argued. Since these claim limitations are not found within the current claim language, this argument is moot. It is again recommended that the claims be amended to clearly and explicitly limit the claim language such that it has the same meaning as argued by the Applicant.

Applicant's response:

In view of amendments made to the independent claims, applicant will not respond to the "Response to Arguments" portion kindly supplied by the Examiner. Applicant has adhered to the above argument by narrowing the meaning of the term "monitoring" in the independent claims.

Therefore, applicant believes independent claims 1, 16 and 31, as amended, are patentable over the art provided by the Examiner. Claims 2-15, 17-30 and 32-45 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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